



Be Smart Buy Smart

What Smart Shoppers Know About Mail Order

Buying By Mail

Buying by mail is a convenient way of shopping for many consumers. Catalog shoppers spent more than \$80 billion last year in the United States, according to the American Direct Marketing Association. Consumers face more choices than ever before, not only when selecting merchandise, but in determining whether to shop through the mail, via the Internet, over the phone, or at the mall. The following tips are what smart shoppers should know about purchasing merchandise through the mail.

Before Buying By Mail

First, do some comparison shopping. If the product you want is available locally, how does the local price compare with the mail order price? (Remember to add the price of handling and delivery for orders that are shipped.) Also consider the advantage of receiving the product right away from a local merchant, and of having the merchant nearby if problems develop.

Watch out for offers that seem unbelievably cheap. The merchandise will probably be of poor quality. Or, you may never receive it.

Find out the seller's return policy. Can you return the item if you're not satisfied? Who pays for return postage?

Find out if the merchandise is guaranteed, and the terms of the guarantee. Can the item be repaired locally if it turns out to be defective? Who pays for shipping if it must be returned to the seller for repair? How long will it take the seller to repair the product and return it to you?

Ask the seller for a more detailed description of the merchandise, and the guarantee if one is offered, if you have any doubts about either.

Find out how long it will take the business to ship your order. If the business does not state a delivery time, the maximum time you must wait for shipment is 30 days, according to a Federal Trade Commission (FTC) rule. If the business does not ship

the item within the proper time frame, it must notify you of the delay and give you the opportunity and a cost-free method to cancel the order and receive a refund.

Order from reputable merchants known to you, your family or trusted friends. If you have not done business with the merchant before, check the business' reputation. Call a local consumer protection agency or the Better Business Bureau if you have one in your area. However, if the Better Business Bureau has not received complaints about a business, this does not necessarily mean there haven't been any.

If You Decide To Order

Don't start out with a big order. Instead, find out how the business handles a smaller request.

Print your name, address, and product information (e.g., stock number, color, size) clearly on the order form. If you want the item sent as a gift, be sure to include the name and address of the person you are sending it to.

Keep a copy of your order form and any letters you send to the business.

Never send cash. Pay by check, money order, or credit card so that you have a record of payment. Don't give a credit card number to a business unless you've checked its reputation.

Check the merchandise immediately when you receive it. Make sure it is what you wanted and ordered. If it isn't, notify the business in writing and keep a copy of your letter. Return the merchandise promptly by insured mail for a refund or exchange.

If You Don't Receive the Merchandise

The FTC rule states that the business must ship your merchandise within the advertised time period, or within 30 days after the business receives your properly completed order.

A business that can't meet this deadline must notify you and give you the option of canceling the order and a free method of doing so (such as a postage-paid card). If you tell the business to cancel the order, it must do so and refund your cash, check or money order within seven work days (or credit your credit card account within one billing period).

If the new revised shipping date is 30 days or less after the original deadline for shipping, the business can assume that you agree to the delay in delivery if you don't respond to the notice of delay. The business must get your agreement to any delay over 30 days.

The FTC rule also requires the mail order business to have a reasonable basis for their claims about shipping dates.

The FTC rule does not apply to serial subscriptions such as magazines (after the initial shipment), orders of seeds and growing plants, and C.O.D. (cash on delivery) orders. However, you have the right to refuse merchandise sent C.O.D., if an unreasonable amount of time has passed since you ordered the merchandise, and you no longer want it.

If You Receive Unsolicited Merchandise

It is illegal for a business to send you merchandise that you have not ordered or consented to receive unless the merchandise is:

- a free sample which is clearly and conspicuously marked as such, or
- mailed by a charitable organization that is soliciting contributions and is marked as a gift.

If a business sends you something in the mail you didn't order or consent to receive, it is a gift. You have absolutely no obligation to either return the item or pay for it. It is illegal for a company that sends unordered merchandise to follow the mailing with a bill or a demand for payment.

Where To Go For Help

■ **The Business.** First, write directly to the business, and enclose a copy of your order form. Describe the problem and how you want the business to resolve it. Keep a copy of your letter and order form. If your problem is not resolved, you should take further action. The following are agencies to contact.

■ **The U.S. Postal Service.** Consumers who suspect they may have been victimized by a fraudulent scheme that used the U.S. Mail should contact their local postal Inspector or postmaster. Incidents of suspected mail fraud can be reported to the Inspection Service by completing PS Form 8165, Mail Fraud Questionnaire. This form is available at your local post office or can be requested via the Internet (fraud@uspis.gov).

If the Postal Service thinks you may have been a victim of fraud or misrepresentation, it can take civil action against the company or refer the case to the U.S. Attorney General for criminal action, or both. If it is proven that the company intentionally defrauded you and used the mail as part of the fraud, the company may be fined \$1,000 or receive five years in prison or both for each count of fraud.

■ **The Attorney General.** Write a letter of complaint to the California Department of Justice, Office of the Attorney General, Public Inquiry Unit, Post Office Box 944255, Sacramento, CA 94244-2550, 1-800-952-5225, www.caag.state.ca.us.

■ **The Federal Trade Commission.** Send a copy of your complaint letters to the Federal Trade Commission, 901 Market Street, Suite 570, San Francisco, CA 94103-1798, 415-356-5270, or 10877 Wilshire Boulevard, Suite 700, Los Angeles, CA 90024, 310-824-4300, www.ftc.gov. Although the FTC does not mediate individual complaints, the information you provide may help show a pattern of fraud or other misconduct by a business, which would require action by the FTC.

For Information On Other Consumer Topics

Visit the Department's website at www.dca.ca.gov or call 1-800-952-5210.

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